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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,307	12/15/2000	Ching-Jye Chang	AUS9-2000-0699-US1	2264

7590 07/30/2004

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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,307

Applicant(s)

CHANG ET AL.

Examiner

Melvin H Pollack

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Swales (6,321,272).
3. For claim 1, Swales teaches a method (see abstract) for managing resources (col. 1, lines 20-45) within a distributed data processing system (col. 1, lines 15-20; col. 2, lines 25-60), the method comprising the steps of:
  - a. Receiving a lease request for a resource (col. 5, lines 45-65);
  - b. In response to receiving the lease request, securing leases on a logical circuit of resources through the distributed data processing system (col. 10, lines 20-25);
  - c. In response to securing leases on a logical circuit of resources, sending a lease grant for the resource (col. 10, lines 25-41).
4. For claim 2, Swales teaches that receiving a lease request comprises receiving, at a first resource manager (Fig. 6, #134), a request from a resource requester (Fig. 6, #132) to lease a first requested resource for a requested lease period (Fig. 6, #142).
5. For claim 3, Swales teaches that securing a logical circuit of resources further comprises:

Art Unit: 2141

- a. Determining a data path through the distributed data processing system between the resource requester and the requested resource (Fig. 6, #136; col. 10, line 57 – col. 11, line 30);
  - b. Requesting, by the first resource manager (Fig. 6, #146), a lease from a second resource manager for a second requested resource along the data path (Fig. 6, #140), wherein use of the first requested resource requires use of the second requested resource (col. 13, line 65 – col. 14, line 6); and
  - c. Receiving, at the first resource manager, a first granted lease for the second requested resource from the second resource manager (Fig. 6, #144).
6. For claim 4, Swales teaches, in response to receiving the first granted lease for the second requested resource, sending a second granted lease to the resource requester by the first resource manager (Fig. 6, #148).
7. For claim 5, Swales teaches detecting an oversubscribed condition on the first requested resource, and, in response, reducing a requested lease period in the second granted lease (col. 10, lines 25-40; col. 11, lines 29-40).
8. For claim 6, Swales teaches determining a data path comprises retrieving a predetermined data path that has been previously stored after a dynamic discovery process of devices within the distributed data processing system (col. 7, line 20 – col. 8, line 15; col. 10, line 55 – col. 11, line 20).
9. Claim 7 is drawn to the limitations in claim 5. Therefore, since claim 5 is rejected, claim 7 is also rejected for the reasons above.

Art Unit: 2141

10. For claim 8, Swales teaches detecting an error condition and reducing a lease period for the lease grant (col. 10, lines 20-25).

11. Claims 9-16 are drawn to a hardware system that implements the method drawn in claims 1-8. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1-8 are rejected, claims 9-16 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

12. Claims 17-24 are drawn to a software system that implements the method drawn in claims 1-8. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1-8 are rejected, claims 17-24 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

13. Claims 25-32 are drawn to a network system that implements the method drawn in claims 1-8. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1-8 are rejected, claims 25-32 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641.

The examiner can normally be reached on 8:30-5:00 M-F.


Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

21 July 2004

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER